



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,958	01/28/2004	Phillip L. Fuson	014607.000005	1957
24239	7590	07/28/2006	EXAMINER	
MOORE & VAN ALLEN PLLC			HEINRICH, SAMUEL M	
P.O. BOX 13706			ART UNIT	
Research Triangle Park, NC 27709			PAPER NUMBER	

1725

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,958

Applicant(s)

FUSON, PHILLIP L.

Examiner

Samuel M. Heinrich

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-105 is/are pending in the application.
4a) Of the above claim(s) 16-105 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Newly submitted claims 93-105 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Species Claims 93-105 are drawn to devices comprising specifically structured workpiece housings which were not described in the original claims 1-15.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 93-105 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by JP409314362A. See Figure 1 and the Abstract. Note, the intended use does not impart patentability to apparatus without a positive structure description.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1725

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP409314362A in view of USPN 4,843,209 to Milligan. JP409314362A describes (Abstract) opposite side laser application, and shows (Figure 1) a single laser source and plural transfer devices. Milligan describes fiber optic laser application including a lens. The use of a lens in JP409314362A would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because the lens focuses energy to a spot.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP409314362A in view of USPN 4,843,209 to Milligan as applied to claim 1 above, and further in view of JP408300180A and JP02000102886A. Both JP408300180A and JP02000102886A describe switches and the use thereof with JP409314362A would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because switches provide energy control.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP409314362A in view of USPN 4,843,209 to Milligan as applied to claim 1 above, and further in view of USPN 4,689,467 to Inoue. Inoue discloses well known enclosure of beam apparatus and workpiece and the use thereof with JP409314362A would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because it suitably controls the work environment.

Art Unit: 1725

Claims 5-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP409314362A in view of USPN 4,843,209 to Milligan and in view of JP408300180A and JP02000102886A as applied to claim 4 above, and further in view of USPN 4,689,467 to Inoue. Inoue discloses well known enclosure of beam apparatus and workpiece and the use thereof with JP409314362A would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because it suitably controls the work environment.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP409314362A in view of USPN 4,843,209 to Milligan and in view of JP408300180A and JP02000102886A and in view of USPN 4,689,467 to Inoue as applied to claim 7 above, and further in view of USPN 5,929,765 to Urech et al. Centering pins are well known as disclosed by Urech et al and the use thereof would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because it provides accurate work control.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP409314362A in view of USPN 4,843,209 to Milligan and in view of JP408300180A and JP02000102886A and in view of USPN 4,689,467 to Inoue as applied to claim 5 above, and further in view of USPN 4,889,022 to Peviani. Two lever clamp is well known and the use thereof would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because it provides rapid fixturing of components.

Response to Arguments

Art Unit: 1725

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

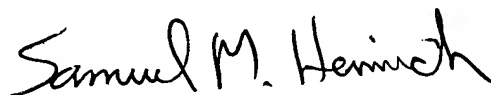
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel M. Heinrich whose telephone number is 571-272-1175. The examiner can normally be reached on M-F.

Art Unit: 1725

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Samuel M Heinrich
Primary Examiner
Art Unit 1725

SMH